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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL MELNITZKY,

Plaintiff,

07 Civ. 07380 (JGK)

- against -

ORDER

JONES, et al.

Defendants.

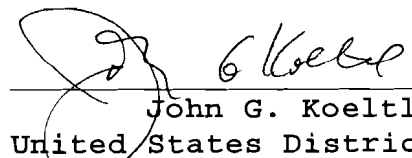
JOHN G. KOELTL, District Judge:

The plaintiff has moved to recuse the Court. The plaintiff has failed to show any basis in law or fact for recusal. While the plaintiff disagrees with past rulings of this Court, that disagreement is no basis for recusal and is no basis for any argument that the Court is biased or prejudiced against the plaintiff. The motion for recusal is therefore **denied**.

Alternatively, the plaintiff seeks permission to file an interlocutory appeal. The plaintiff has failed to satisfy the conditions for an interlocutory appeal. There is no controlling question of law as to which there is substantial ground for difference of opinion. Moreover, an immediate appeal would not materially advance the ultimate termination of the litigation. See 28 U.S.C. §1292(b). The motion to certify an interlocutory appeal is therefore **denied**.

SO ORDERED.

Dated: New York, New York
January 4, 2008


John G. Koeltl
United States District Judge